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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,873

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Takashi Yagita

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EXAMINER

LEE, TOMMY D

ART UNIT

PAPER NUMBER

2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/023,873

Applicant(s)

YAGITA, TAKASHI

Examiner

Thomas D. Lee

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-14,16-20,23-29,31 and 35-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-5,8-14,16-20,23-29,31,35 and 36 is/are allowed.
6) ☒ Claim(s) 37-39 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to Applicant's AMENDMENT AFTER FINAL REJECTION, filed March 8, 2007. The after-final amendment has been entered. Claims 1-5, 8-14, 16-20, 23-29, 31 and 35-39 are pending.

Response to Arguments

2. Applicant's arguments, see pages 15-19 of the after-final amendment, filed March 8, 2007, with respect to the rejection(s) of claim(s) 1-5, 8-14, 16-20, 23-29, 31 and 35-39 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously cited references. An addition rejection under 35 U.S.C. § 101 is also set forth below.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine; manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 39 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 39 recites a storage medium which stores a computer-readable program. The computer-readable program must be embodied on a *computer readable* medium to impart its functionality (MPEP § 2106.IV.B.1(a)). A computer readable medium is necessary for the product to be statutory because it allows the functionality of the program to be realized. Not all media necessarily impart functionality to a computer.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication 2002/0001495 (Mochizuki).

Regarding claim 37, Mochizuki discloses an information processing apparatus (see Figs. 1-5, host 10) comprising a holding unit adapted to hold print data (paragraphs 0047-0048), an issuing unit adapted to issue reference information corresponding to the print data held by the holding unit, to a plurality of printing apparatuses (paragraphs 0010, 0041, and 0045), a receiving unit adapted to receive an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041, 0045, 0047-0048), a judging unit adapted to judge whether or not the acquisition request received by the receiving unit is the acquisition request first received in regard to the print data (paragraphs 0040-0041, 0045, 0047-0048), and a transmission control unit adapted to control to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged by said judging unit that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged by the judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Regarding claim 38, Mochizuki discloses an information processing method (see Figs. 1- 5, host 10) comprising a holding step of holding print data (paragraphs 0047-0048), an issuing step of issuing reference information corresponding to the print data held in the holding step, to a plurality of printing apparatuses (paragraphs 0010, 0041, and 0045), a receiving step of receiving an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041,0045, 0047-0048), a judging step of judging whether or not the acquisition request received in the receiving step is the acquisition request first received in regard to the print data (paragraphs 0040-0041,0045, 0047-0048), and a transmission control step of transmitting the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged in the judging step that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged in the judging step that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Regarding claim 39, Mochizuki discloses a storage medium which stores a computer readable program (see Figs. 1-5, application unit 16 in host 10, paragraph 0041) for executing an information processing method comprising a holding step of holding print data (paragraphs 0047-0048), an issuing step of issuing reference information corresponding to the print data held in the holding step, to a plurality of

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printing apparatuses (paragraphs 0010, 0041, and 0045), a receiving step of receiving an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041, 0045, 0047-0048), a judging step of judging whether or not the acquisition request received in the receiving step is the acquisition request first received in regard to the print data (paragraphs 0040-0041, 0045, 0047-0048), and a transmission control step of transmitting the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged in the judging step that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged in the judging step that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Regarding each of claims 37-39, It should be noted that while Mochizuki does not expressly disclose transmission of the print data to the printing apparatus "in a case where it is not judged by said judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus failed," this case is recited as an alternative to transmission "in a case where it is judged by said judging unit that the received acquisition request is the first-received acquisition request" ("a transmission control unit adapted to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged by said judging unit that the received acquisition request is the first-received acquisition

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request or in a case where it is not judged by said judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus failed" (emphasis added)). So long as either one of these cases is disclosed in Mochizuki, the limitation as a whole reads on Mochizuki.

Allowable Subject Matter

7. Claims 1-5, 8-14, 16-20, 23-29, 31, 35 and 36 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: In view of Applicant's remarks on pages 15-19 of the after-final amendment, it is agreed that the cited prior art references do not teach, either singly or in combination, "a second transmission unit adapted to not transmit the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is judged by said judgment unit that the transmission of the print data succeeded, and adapted to transmit the data to the second printing apparatus among the plurality of printing apparatuses in response to the acquisition request transmitted from the second printing apparatus in a case where it is not judged by said judgment unit that the transmission of the print data succeeded," as recited in base claim 1, or "a second transmission step of not transmitting the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is judged in said judging step that the transmission of the print data succeeded, and transmitting the data to the second printing apparatus among the plurality of printing apparatuses in response to the acquisition request transmitted from the second printing apparatus in a case where it is not judged in said

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judging step that the transmission of the print data succeeded," as recited in base claims 16 and 31.

Conclusion

9. In view of new grounds for rejection not necessitated by amendment, this Office action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas D Lee
Primary Examiner
Technology Division 2625

tdl
March 20, 2007